

Union Calendar No. 303

116TH CONGRESS
2D SESSION

H. R. 4650

[Report No. 116-325, Parts I and II]

To amend title XVIII of the Social Security Act to provide coverage for certain dental items and services under part B of the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2019

Ms. KELLY of Illinois (for herself and Mr. HORSFORD) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 6, 2019

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

JANUARY 24, 2020

Additional sponsors: Ms. CASTOR of Florida, Ms. BARRAGÁN, Mr. BUTTERFIELD, Mr. CUELLAR, Ms. NORTON, Mr. MALINOWSKI, Mr. PAYNE, Mr. WELCH, and Mr. CARTWRIGHT

JANUARY 24, 2020

Reported from the Committee on Energy and Commerce, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 11, 2019]

A BILL

To amend title XVIII of the Social Security Act to provide coverage for certain dental items and services under part B of the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Medicare Dental Cov-*
5 *erage Act of 2019”.*

6 **SEC. 2. DENTAL AND ORAL HEALTH CARE.**

7 *(a) COVERAGE.—Section 1861(s)(2) of the Social Secu-*
8 *rity Act (42 U.S.C. 1395x(s)(2)) is amended—*

9 *(1) in subparagraph (GG), by striking “and”*
10 *after the semicolon at the end;*

11 *(2) in subparagraph (HH), by striking the pe-*
12 *riod at the end and adding “; and”; and*

13 *(3) by adding at the end the following new sub-*
14 *paragraph:*

15 *“(II) dental and oral health services (as defined*
16 *in subsection (kkk));”.*

17 *(b) DENTAL AND ORAL HEALTH SERVICES DE-*
18 *FINED.—Section 1861 of the Social Security Act (42 U.S.C.*
19 *1395x) is amended by adding at the end the following new*
20 *subsection:*

21 *“(kkk) DENTAL AND ORAL HEALTH SERVICES.—*

22 *“(1) IN GENERAL.—The term ‘dental and oral*
23 *health services’ means items and services (other than*
24 *such items and services for which payment may be*
25 *made under part A as inpatient hospital services)*

1 *that are furnished during 2022 or a subsequent year,*
2 *for which coverage was not provided under part B as*
3 *of the date of the enactment of this subsection, and*
4 *that are—*

5 “(A) *the preventive and screening services*
6 *described in paragraph (2) furnished by a doctor*
7 *of dental surgery or of dental medicine (as de-*
8 *scribed in subsection (r)(2)) or an oral health*
9 *professional (as defined in paragraph (4)); or*

10 “(B) *the basic treatments specified for such*
11 *year by the Secretary pursuant to paragraph*
12 *(3)(A) and the major treatments specified for*
13 *such year by the Secretary pursuant to para-*
14 *graph (3)(B) furnished by such a doctor or such*
15 *a professional.*

16 “(2) **PREVENTIVE AND SCREENING SERVICES.—**
17 *The preventive and screening services described in*
18 *this paragraph are the following:*

19 “(A) *Oral exams.*

20 “(B) *Dental cleanings.*

21 “(C) *Dental x-rays performed in the office*
22 *of a doctor or professional described in para-*
23 *graph (1)(A).*

24 “(D) *Fluoride treatments.*

1 “(3) *BASIC AND MAJOR TREATMENTS.*—For 2022
2 *and each subsequent year, the Secretary shall speci-*
3 *fy—*

4 “(A) *basic treatments (which may include*
5 *basic tooth restorations, basic periodontic serv-*
6 *ices, tooth extractions, and oral disease manage-*
7 *ment services); and*

8 “(B) *major treatments (which may include*
9 *major tooth restorations, major periodontic serv-*
10 *ices, bridges, crowns, dental implants, and root*
11 *canals);*

12 *that shall be included as dental and oral health serv-*
13 *ices for such year.*

14 “(4) *ORAL HEALTH PROFESSIONAL.*—The term
15 ‘oral health professional’ means, with respect to den-
16 tal and oral health services, a health professional who
17 is licensed to furnish such services, acting within the
18 scope of such license, by the State in which such serv-
19 ices are furnished.”.

20 (c) *PAYMENT; COINSURANCE; AND LIMITATIONS.*—

21 (1) *IN GENERAL.*—Section 1833(a)(1) of the So-
22 cial Security Act (42 U.S.C. 1395l(a)(1)) is amend-
23 ed—

24 (A) *by striking “and” before “(CC)”;* and

(B) by inserting before the semicolon at the end the following: “, and (DD) with respect to dental and oral health services (as defined in section 1861(kkk)), the amount paid shall be the payment amount specified under section 1834(x)”.

11 "(x) PAYMENT AND LIMITS FOR DENTAL AND ORAL
12 HEALTH SERVICES.—

13 “(1) *IN GENERAL.*—The payment amount under
14 this part for dental and oral health services (as de-
15 fined in section 1861(kkk)) shall be, subject to para-
16 graph (3), the applicable percent (specified in para-
17 graph (2)) of the lesser of the actual charge for the
18 services or the amount determined under the payment
19 basis determined under section 1848.

“(2) APPLICABLE PERCENT.—For purposes of paragraph (1), the applicable percent specified in this paragraph is, with respect to dental and oral health services (as defined in section 1861(kkk)) furnished in a year—

1 “(A) that are preventive and screening services described in paragraph (2) or basic treatments specified for such year pursuant to paragraph (3)(A) of such section, 80 percent; and

5 “(B) that are major treatments specified for such year pursuant to paragraph (3)(B) of such
6 section—

8 “(i) in the case such services are furnished during 2022, 10 percent;

10 “(ii) in the case such services are furnished during 2023 or a subsequent year before 2026, the applicable percent specified under this subparagraph for the previous year, increased by 10 percentage points;
11 and

16 “(iii) in the case such services are furnished during 2026 or a subsequent year, 50 percent.

19 “(3) LIMITATIONS.—With respect to dental and
20 oral health services that are—

21 “(A) oral exams, payment may be made under this part for not more than two such exams during a 12-month period;

1 “(B) dental cleanings, payment may be
2 *made under this part for not more than two such*
3 *cleanings during a 12-month period; and*

4 “(C) not described in subparagraph (A) or
5 *(B), payment may be made under this part only*
6 *at such frequencies and under such cir-*
7 *cumstances determined appropriate by the Sec-*
8 *retary.”.*

9 (d) *PAYMENT UNDER PHYSICIAN FEE SCHEDELE.—*

10 (1) *IN GENERAL.—Section 1848(j)(3) of the So-*
11 *cial Security Act (42 U.S.C. 1395w-4(j)(3)) is*
12 *amended by inserting “(2)(II),” before “(3)”.*

13 (2) *BUDGET NEUTRALITY.—Section*
14 *1848(c)(2)(B)(iv) of the Social Security Act (42*
15 *U.S.C. 1395w(c)(2)(B)(iv)) is amended—*

16 (A) *in subclause (III), by striking “and” at*
17 *the end;*

18 (B) *in subclause (IV), by striking the period*
19 *at the end and inserting “; and”; and*

20 (C) *by adding at the end the following new*
21 *subclause:*

22 “(V) *the amendment made by sec-*
23 *tion 2(d)(1) of the Medicare Dental Act*
24 *of 2019 shall not be taken into account*

1 in applying clause (ii)(II) for 2022
2 and 2023.”.

3 (3) EXCLUSION FROM MIPS.—Section
4 1848(q)(1)(C)(ii) of the Social Security Act (42
5 U.S.C. 1395w-4(q)(1)(C)(ii)) is amended—

6 (A) in subclause (II), by striking “or” at
7 the end;

8 (B) in subclause (III), by striking the pe-
9 riod at the end and inserting “; or”; and

10 (C) by adding at the end the following new
11 subclause:

12 “(IV) with respect to 2022 and
13 each subsequent year, is a doctor of
14 dental surgery or of dental medicine
15 (as described in section 1861(r)(2)) or
16 is an oral health professional (as de-
17 fined in section 1861(kkk)(4)).”.

18 (4) INCLUSION OF ORAL HEALTH PROFES-
19 SIONALS AS CERTAIN PRACTITIONERS.—Section
20 1842(b)(18)(C) of the Social Security Act (42 U.S.C.
21 1395u(b)(18)(C)) is amended by adding at the end the
22 following new clause:

23 “(vii) With respect to 2022 and each subsequent
24 year, an oral health professional (as defined in sec-
25 tion 1861(kkk)(4)).”.

1 (e) *DENTURES.*—

2 (1) *IN GENERAL.*—Section 1861(s)(8) of the So-
3 cial Security Act (42 U.S.C. 1395x(s)(8)) is amend-
4 ed—

5 (A) by striking “(other than dental)”; and
6 (B) by inserting “and excluding dental, ex-
7 cept for a full or partial set of dentures furnished
8 on or after January 1, 2022” after “colostomy
9 care”.

10 (2) *SPECIAL PAYMENT RULES.*—

11 (A) *LIMITATIONS.*—Section 1834(h) of the
12 Social Security Act (42 U.S.C. 1395m(h)) is
13 amended by adding at the end the following new
14 paragraph:

15 “(6) *SPECIAL PAYMENT RULE FOR DENTURES.*—
16 Payment may be made under this part with respect
17 to an individual for dentures—

18 “(A) not more than once during any 5-year
19 period (except in the case that a doctor or profes-
20 sional described in section 1861(kkk)(1)(A) deter-
21 mines such dentures do not fit the individual);
22 and

23 “(B) only to the extent that such dentures
24 are furnished pursuant to a written order of
25 such a doctor or professional.”.

(B) APPLICATION OF COMPETITIVE ACQUISITION.—

(I) in the subparagraph heading,
by inserting “, DENTURES” after
“ORTHOTICS”;

(II) by inserting “and of dentures described in paragraph (2)(D) of such section,” after “2009;” and

(III) in clause (i), by inserting
“or such dentures” after “orthotics”.

“(D) DENTURES.—*Dentures for which payment would otherwise be made under section 1834(h).*”.

3 “(C) CERTAIN DENTURES.—Those items
4 and services described in paragraph (2)(D) if
5 furnished by a physician or other practitioner
6 (as defined by the Secretary) to the physician’s
7 or practitioner’s own patients as part of the phy-
8 sician’s or practitioner’s professional service.”.

9 (f) EXCLUSION MODIFICATIONS.—Section 1862(a) of
10 the Social Security Act (42 U.S.C. 1395y(a)) is amended—
11 (1) in paragraph (1)—

12 (A) in subparagraph (O), by striking “and”
13 at the end;

(B) in subparagraph (P), by striking the semicolon at the end and inserting “; and”;

16 (C) by adding at the end the following new
17 subparagraph:

18 “(Q) in the case of dental and oral health serv-
19 ices (as defined in section 1861(kkk)) that are preven-
20 tive and screening services described in paragraph (2)
21 of such section, which are furnished more frequently
22 than provided under section 1834(x)(3);”; and

23 (2) in paragraph (12), by inserting before the
24 semicolon at the end the following: "and except that
25 payment may be made under part B for dental and

1 *oral health services that are covered under section*
2 *1861(s)(2)(II)".*

3 **SEC. 3. IMPLEMENTATION FUNDING.**

4 *The Secretary of Health and Human Services shall*
5 *provide for the transfer from the Federal Supplementary*
6 *Medical Insurance Trust Fund under section 1841 of the*
7 *Social Security Act (42 U.S.C. 1395t) to the Centers for*
8 *Medicare & Medicaid Services Program Management Ac-*
9 *count for the period of 2020 through 2024 of such sums as*
10 *may be necessary for purposes of implementing the amend-*
11 *ments made by section 2.*

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